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7590 10/19/2004
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EXAMINER

CHAN, SING P

| | |
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| ART UNIT | PAPER NUMBER |
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1734

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,593

Applicant(s)

VAULOT, ERIC

Examiner

Sing P Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 5-13 and 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 14-16 and 26-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date September 7, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4 and 14-16 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a prefabricated material comprising printing that is predeformed (Page 9, lines 36) or deformed after printing (Page 10, lines 6-11), does not reasonably provide enablement for a sheet comprises printing as generically claimed, more specifically the specification does not teach a sheet comprising a non-deformed image. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The claims required the sheet to include a predetermined designs of shapes and dimension and is broader than the recitation by specification and does not require printing the sheet while in tension as argued by the applicant.

Claim Rejections - 35 USC § 102

- 3: The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4 and 14-16 rejected under 35 U.S.C. 102(a) as being anticipated by Anderson et al (WO 99/43907).

Regarding claim 1, Anderson et al discloses a sheet for decorative panel for ceiling. The panel includes a thin flexible sheet, sized to retain in a respective frame in a tensioned state at an ambient temperature, and directly printing of predetermined designs of shapes and dimensions while the sheet is in the tensioned state. (Page 6, lines 1-6, Page 6, lines 24-26, Page 8, lines 10-16, and Page 11, lines 5-12)

Regarding claim 2, Anderson et al discloses the sheet is a PVC sheet. (Page 6, lines 14-15)

Regarding claims 3 and 14, Anderson et al discloses the sheet comprises one or more layers. (Page 6, lines 1-2)

Regarding claims 4, 15, and 16, Anderson et al discloses the sheet has degree of axial orientation, which is considered to include mono- or bi-oriented. (Page 6, lines 17-19)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2,552,473) in view of Nassof (U.S. 3,782,495) and Geist et al (U.S. 3,964,910).

Christian discloses a film for forming false ceilings. The film includes a polyane, i.e. low-density polyethylene, or another plastic having thermo-mechanical properties similar to those of polyane, which is stretched while subjecting it to a temperature rise and then being held taut and fixed to the wall with a frame. (See English abstract of FR 2,552,473 and Figures 1-3) Christian is silent as to the film includes direct printing of predeformed designs of shapes and dimension with the deformed designs compensating for distortion caused by being hot-tensioned to ensuring a properly proportioned design is obtained on the tensioned printed material. However, printing on a plastic film for false ceiling is well known and conventional as shown for example by Nassof. Nassof discloses a thin plastic film for false ceiling. The plastic film includes polyvinyl chloride, i.e. PVC, Mylar, or polyethylene, which can be subjected to decorative treatment such as printing. (Col 2, lines 49-54)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to decorate the plastic film for the false ceiling as disclosed by Nassof in the film of Christian to providing a ceiling film with a decorations, which is more pleasing. (Col 1, lines 60-62) Christian as modified by Nassof is silent as to the decorations are predeformed designs of shapes and dimension. However, printing deformed designs of shapes and dimension, which compensate for the distortion caused by hot-tensioning to ensuring a properly proportioned design is well known and conventional as shown for example by Geist et al. Geist et al discloses a method for printing distorted images. The method includes printing the sheet with the distorted

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image, which allows the distorted image to become the desired artwork image after being stretched into the desired shape. (Col 1, lines 54-59 and Col 2, lines 38-60)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to print distorted image or designs of shapes onto the ceiling film as disclosed by Geist et al in the film of Christian as modified by Nassof to provide a distorted image or design, which once stretched to the desired shape or length would provide a properly proportioned design or image.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2,552,473) in view of Nassof (U.S. 3,782,495) and Geist et al (U.S. 3,964,910) as applied to claim 26 above, and further in view of Guy (JP 02-200277).

Christian as modified above is silent as to assemble multiple sheets together by bonding. However, bonding multiple sheets together to form a false ceiling is well known and conventional as shown for example by Guy. Guy discloses a temporary ceiling. The ceiling is formed by spread in parallel lengths of sheet material in tension and bonding the edges in lengthwise of the sheet material with a melting material, which is an adhesive means. (See English abstract and translation provided by translator)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a false ceiling by bonding the sheets material together as disclosed by Guy in the film of Christian as modified by the combination of references to provide an improved aesthetic appearance of the ceiling.

8. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2,552,473) in view of Nassof (U.S. 3,782,495) and Geist et al (U.S.

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3,964,910) as applied to claim 26 above, and further in view of Anderson et al (WO 99/43907).

Regarding claim 29, Christian as modified above is silent as to the sheet material for the ceiling comprises one or more layers. However, providing a sheet material for a false ceiling with one or more layers is well known and conventional as shown for example by Anderson et al. Anderson et al discloses a sheet for a false ceiling comprising one or more layers. (Page 6, lines 1-2)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sheet material for the false ceiling with one or more layer as disclosed by Anderson et al in the film of Christian as modified by the combination of references to provide a sheet material with the capability of being in a state of tension for an extended period of time with out significant stretching, creep, or other tension reducing process. (Page 6, lines 2-6)

Regarding claims 30, Christian as modified above is silent as to the sheet material is mono- or bi-oriented. However, providing sheet material, which is mono- or bi-oriented is well known and conventional as shown for example by Anderson et al. Anderson et al discloses the sheet has degree of axial orientation, which is considered to include mono- or bi-oriented. (Page 6, lines 17-19)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sheet material, which is mono- or bi-oriented as disclosed by Anderson et al in the film of Christian as modified by the combination of

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references to provide a sheet material with the desired properties such as strength.

(Page 6, lines 14-19)


Response to Arguments


9. Applicant's arguments with respect to claims 1-4, 14-16 and 26-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


spc


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